

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Terry et al.

Application No. 09/365,349

Filed: July 30, 1999

For: *Heavy Metal Phytoremediation*

Group Art Unit: 1638

Examiner: Ibrahim, Medina

Attorney Docket No. B99-085

CERTIFICATE OF TRANSMISSION

I hereby certify that this copy is being transmitted by facsimile to the Comm for Patents 703-872-9306 on September 20, 2004.

Signed

Richard Aron Osman

TERMINAL DISCLAIMER

The owners, The Regents of the University of California, of 100% interest in the instant application hereby disclaim, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior patent number 6,576,816. The owners hereby agree that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding on the grantee, its successors or assigns.

In making the above disclaimer, the owners do not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 USC 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney of record. The PTO suggested wording for terminal disclaimer was unchanged. The Commissioner is authorized to charge the terminal disclaimer fee, if necessary to deposit account no. 19-0750 (order no. B97-020-4).

Respectfully submitted,
SCIENCE & TECHNOLOGY LAW GROUP

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